
STATUTORY INSTRUMENTS

2017 No. 582

The Offshore Petroleum Production and Pipe-
lines (Environmental Impact Assessment and other
Miscellaneous Provisions) (Amendment) Regulations 2017

PART 2

Amendment of the 1999 Pipe-line Regulations

Amendment of regulation 6 (requests to the Secretary of State for an environmental determination)

30. In regulation 6—

- (a) at the start of paragraph (1), insert “Subject to paragraph (1B),”;
- (b) after paragraph (1), insert—

“(1A) If the Secretary of State considers that proposed pipe-line works are highly likely to have a significant effect on the environment given the environmental sensitivity of the location of the works, the Secretary of State may determine that no request for an environmental determination may be made under regulation 6 in respect of those works and direct that an environmental statement be prepared in respect of those works, and sub-paragraphs (a) and (b) to regulation 3(3) shall apply.

(1B) Where a direction under paragraph (1A) is in force in respect of proposed pipe-line works, the Secretary of State shall not make an environmental determination under paragraph (2) in respect of those works (whether or not that project has been modified or is to be carried out in any particular manner or time).”;

- (c) in paragraph (2), at the end of sub-paragraph (a), insert “and the results of preliminary verifications or assessments on the environment carried out pursuant to European Union legislation other than the Directive”;
- (d) in paragraph (6)—
 - (i) after “for the same”, insert “as soon as possible and in any event”; and
 - (ii) at the end of paragraph (6), insert “where the application is in respect of proposed pipe-line works that are, in the Secretary of State’s opinion, an exceptional case, for example in relation to their nature, complexity, location or size, and the agreement shall include the reasons why the Secretary of State considers the extra time is needed.”; and
- (e) for paragraph (7), substitute —

“(7) Where in response to a request for an environmental determination, the Secretary of State determines that either—

- (a) the proposed pipe-line works are EIA development; or
- (b) the proposed pipe-line works are not EIA development,

the Secretary of State shall provide with the determination a written statement of the main reasons for the determination and these reasons shall make reference to the relevant criteria set out in Schedule 2 and where it is determined that the proposed works are not EIA development, shall state any features of the proposed works or measures imposed that are proposed by the gas transporter to avoid or prevent significant adverse effects.”.